REMARKS

Claims 1-8 are pending in the application. Claims 1-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Vargo et al. (Vargo).

Vargo describes an PSTN to internet gateway that is capable of dynamically changing the redundancy, packet size, packet bundling and the choice of codec from packet to packet. The packet is given a self-describing information about what type of codec is needed at the receiver to decompress the packet.

However, each of applicant's independent claims 1, 2, 7 and 8 includes a "judging section" and a "controller" as features of the claimed invention.

The judging section, for example in claim 2, judges whether the compression form set coincides with the compression form of the compressed data received from the internet protocol network. The controller determines whether or not to use the CODEC based upon the results of the judging section.

While Vargo may teach that a transmitter CODEC is selected per packet based on factors such as a desired packet bundling, packet size. Nowhere does Vargo suggest information or selection of a passthrough.

Vargo does not disclose nor teach that a CODEC is in passthrough or data not compressed based upon a judging condition of whether the compression form selected by the selection section of the first gateway apparatus, for transmitting compressed data from the first gateway apparatus to the second gateway apparatus, coincides with the compression form selected by the determination section of the second gateway apparatus for transmitting compressed data from the second gateway apparatus to the second circuit switched network

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In particular, Vargo does not teach nor render obvious the judging and controlling the use/no use of the CODEC, as in the "judging section" and the "controller" recited in each of Claims 1, 2, 7 and 8.

Case of No Compression

The Office Action notes at the top of Page 3 the TFO. It is respectfully submitted that even if this were the case applicant's claimed invention is different. Even assuming that Vargo did teach choosing no compression, then the down stream CODEC would choose no compression.

However applicant claims the feature of judging whether the compression form set by said setting section coincides with the compression form of the compressed data received from the internet protocol network. There is no judging taught by Vargo. So even if Vargo did teach TFO, Vargo does not teach the judging nor controlling as to when TFO.

Further, the Office Action asserts that "the TFO is performed unless the CODEC is used per packet." However, as pointed out above, Vargo does not provide any teachings or motivation for controlling the use/no use of the CODEC.

Vargo et al. do not teach in the case of whether or not to select a CODEC. Therefore, it is respectfully submitted that Vargo et al. does not suggest the idea of "the CODEC is no use per packet." Because Vargo do not teach the application of the TFO as "no use of the CODEC" Vargo particularly does not suggest applicant's claimed invention and does not suggest the TFO.

Thereby, it is respectfully submitted the invention recited in each of Claims 1, 2, 7 and 8 is not rendered obvious in view of Vargo et al. and ordinary skill such as TFO. Claims 1, 2, 7 and 8 are in condition for allowance which action is respectfully requested.
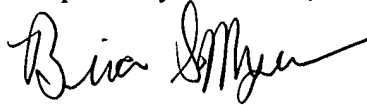
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Claim 3 has a "judging section" and a "controller" as features of the claimed invention similarly as in claims 1, 2, 7 and 8. Therefore, for at least the above reasons with respect to claims 1, 2, 7 and 8, claims 3 is likewise in condition for allowance which action is respectfully requested.

Each of Claims 4, 5 and 6 is a dependent claim from the base Claim 3. Therefore, these claims are likewise in condition for allowance, for at least the reasons above and because they each recite additional features, which action is respectfully requested.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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